

UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In Re: ISMAEL CRUZ

Debtor(s)

JACK N. ZAHAROPOULOS  
CHAPTER 13 TRUSTEE  
Movant  
vs.  
ISMAEL CRUZ  
Respondent(s)

CHAPTER 13  
CASE NO: 5-16-04965-MJC

**TRUSTEE'S MOTION TO DISMISS CASE**

AND NOW, on August 7, 2023, Jack N. Zaharopoulos, Standing Chapter 13 Trustee, through his attorney, Agatha R. McHale, Esquire, and moves this Honorable Court for dismissal of the above-captioned Chapter 13 bankruptcy case in accordance with 11 U.S.C. Section 1307(c), due to material default by the debtor(s) with respect to the terms of the plan.

Notice of hearing and other instructions are included with this Motion.

WHEREFORE, your Trustee prays that this Honorable Court enter an Order dismissing the above-captioned case in accordance with 11 U.S.C. Section 1307(c).

Dated: August 7, 2023

Respectfully submitted,

/s/ Agatha R. McHale, Esquire  
ID: 47613  
Attorney for Movant  
Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
Suite A, 8125 Adams Drive  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
email: amchale@pAMD13trustee.com

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**NOTICE**

NOTICE IS HEREBY GIVEN THAT Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney, Agatha R. McHale, Esquire, has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion. Any matters not resolved shall be heard at the dismissal hearing.

September 7, 2023 at 10:00 AM  
U.S. Bankruptcy Court  
Max Rosenn U.S. Courthouse  
197 S. Main Street  
Wilkes Barre, PA

YOU ARE FURTHER NOTICED that you MUST attend the dismissal hearing unless one of the following takes place.

1. You have paid the following and have confirmed payment with Trustee Zaharopoulos's office.

**AMOUNT DELINQUENT AS OF LAST MONTH: \$ 1,698.00**

**AMOUNT DUE FOR THIS MONTH: \$460.00**

**TOTAL AMOUNT DUE BEFORE HEARING DATE: \$2,158.00**

**NOTE:**

**ALL payments must be made by CERTIFIED CHECK, MONEY ORDER or through TFSBILLPAY.COM. NO PERSONAL CHECKS OR CASH WILL BE ACCEPTED!**

**DO NOT** send your payments REGISTERED, CERTIFIED, FEDERAL EXPRESS, UPS, or by any other special delivery service. Doing so will delay processing of your payment and **may result in dismissal of your case.**

**If submitting payment by U.S. First Class Mail mail to:**

**CHAPTER 13 TRUSTEE, PO BOX 6008, MEMPHIS, TN 38101-6008**

**If submitting payment using TFSBILLPAY.COM** please **allow 5 business days** for payment to be applied.

2. You have entered into a valid stipulation with Trustee Zaharopoulos and that stipulation has been filed with the court, or
3. You have filed a voluntary conversion or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee Zaharopoulos.

**FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.**

Dated: August 7, 2023

Respectfully submitted,

/s/ Agatha R. McHale, Esquire  
ID: 47613  
Attorney for Movant  
Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
Suite A, 8125 Adams Drive  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
email: info@pamd13trustee.com

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**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on August 7, 2023, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties from Hummelstown, PA, unless served electronically.

Served Electronically

LYNN FELDMAN, ESQUIRE  
FELDMAN LAW OFFICES, PC  
2310 WALBERT AVENUE, SUITE 103  
ALLENTOWN PA 18104-1360

UNITED STATES TRUSTEE  
1501 NORTH 6<sup>TH</sup> STREET  
PO BOX 302  
HARRISBURG PA 17102

SERVED BY FIRST CLASS MAIL

ISMAEL CRUZ  
388 CEDAR DR.  
LONG POND PA 18334-7722

I certify under penalty of perjury that the foregoing is true and correct.

Date: August 7, 2023

/s/ Matt Arcuri

Office of the Standing Chapter 13 Trustee  
Jack N. Zaharopoulos  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
email: [info@pAMD13trustee.com](mailto:info@pAMD13trustee.com)

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CHAPTER 13 TRUSTEE

Movant

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ISMAEL CRUZ

**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.